

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CALIFORNIA EXPANDED
METAL PRODUCTS COMPANY,
et al.,

CASE NO. C18-0659JLR

ORDER

Plaintiffs.

V.

JAMES A. KLEIN, et al.,

Defendants.

Before the court is a report and recommendation issued by Special Master Mark

Walters recommending that the court: (1) deny Plaintiffs California Expanded Metal

Products Company ("CEMCO") and Clarkwestern Dietrich Building Systems LLC's

(“ClarkDietrich”) (collectively, “Plaintiffs”) request for fees in relation to their motion

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1 (2) grant the parties' stipulated motion to extend the deadlines for damages discovery and
2 briefing regarding damages. (R&R (Dkt. # 306) at 3-4.)

3 During the damages-related discovery portion of this action, Plaintiffs submitted a
4 motion to compel discovery from Defendants and S4S to Mr. Walters. (*Id.* at 2.) After
5 holding a hearing on Plaintiffs' motion, Mr. Walters asked the parties to file a joint brief
6 "regarding the status of their discovery disputes and to identify any remaining issues for
7 resolution by the [c]ourt." (*Id.*) In their joint brief, the parties informed Mr. Walters that
8 they reached an agreement "on all issues raised in Plaintiffs' motion, save Plaintiffs'
9 request for fees as a discovery sanction pursuant Fed. R. Civ. P. 37(a)(5)(C)." (*Id.*) The
10 parties also submitted a stipulation to extend the deadlines for damages discovery and
11 briefing regarding damages. (*Id.*) Mr. Walters recommends that the court deny
12 Plaintiffs' request for fees because: the "discovery as originally propounded to S4S was
13 overbroad"; the parties worked together to "narrow those requests, and ultimately reached
14 agreement on scope" without court intervention; "when this discovery dispute arose, S4S
15 and CEMCO were engaged in a jury trial in the Central District of California which
16 complicated their ability to fully discuss the dispute and reach agreement"; and Mr. Klein
17 "had no further documents for supplementation apart from what S4S was obligated to
18 produce, and it is unclear on this record whether he was under an obligation to participate
19 in the discovery conferences held between S4S and Plaintiffs." (*Id.* at 3.) Additionally,
20 Mr. Walters recommends that the court grant the parties' request to modify the schedule
21 for the damages phase of these contempt proceedings because good cause exists for the
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1 requested extension. (*Id.* at 3-4; *see also* 4/27/22 Order (Dkt. # 305) (setting forth the
 2 current damages phase schedule).)

3 Pursuant to Federal Rule of Civil Procedure 53(f), the court must decide de novo
 4 all objections to the findings of fact or conclusions of law made or recommended by a
 5 special master. Fed. R. Civ. P. 53(f)(3)-(4). Here, no party objects to either of Mr.
 6 Walters's recommendations. (*See generally* Dkt.) The court has reviewed Mr. Walters's
 7 report and recommendation in accordance with Federal Rule of Civil Procedure 53(f), the
 8 relevant portions of the record, and the applicable law. Having done so, the court finds
 9 Mr. Walters's reasoning persuasive and independently reaches the same conclusions for
 10 the reasons articulated by Mr. Walters. Accordingly, the court ADOPTS the report and
 11 recommendation in its entirety (Dkt. # 306); DENIES Plaintiffs' request for fees in
 12 relation to their motion to compel; and GRANTS the parties' stipulated motion to extend
 13 the deadlines for damages discovery and briefing regarding damages as follows:

EVENT	CURRENT DEADLINE	NEW DEADLINE
Damages discovery phase closes	July 5, 2022	August 5, 2022
Plaintiffs file a joint opening brief regarding damages to Mr. Walters	July 29, 2022	August 26, 2022
Defendants and S4S file a joint responsive brief to Mr. Walters	August 12, 2022	September 9, 2022
Plaintiffs file a joint reply brief to Mr. Walters / Noting Date	August 19, 2022	September 16, 2022

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1 Dated this 8th day of July, 2022.

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JAMES L. ROBART
United States District Judge